



Attorney's Docket No. 8108

PATENT

IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE

In re application of: Kristopher M. Krohn

Serial No: 10/764,197

Filed: January 23, 2004

For: REMOVABLY ATTACHABLE

MOTORCYCLE LUGGAGE

Art Group No.: 3727

Examiner: Mai, Tri M.

Assistant Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE
OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as Express Mail No. EV717267245US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (Fax No. _____) on _____

Antonia M. Holland
Signature

Date: September 1, 2005

Antonia M. Holland
(type or print name of person certifying)

WARNING: *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

**TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is

(check either A or B below)

- A. ☒ a certification as specified in 37 CFR 1.97(e)

OR

- B. ☐ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

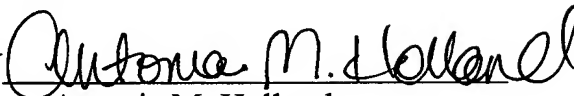
Fee due \$_____

METHOD OF PAYMENT OF FEE

4. ☐ Attached is a check in the amount of \$ _____
 ☐ Charge Account No. _____ in the amount of \$ _____.
 A duplicate of this request is attached.

If any additional fees are due, please charge Account 18-0882

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PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV717267245US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 1, 2005.

Reinhart Boerner Van Deuren s.c.

Dated: September 1, 2005

BY:

Antonia M. Holland
Antonia M. Holland

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kristopher M. Krohn)	Group Art No.: 3727
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Serial No.: 10/764,197)	Examiner: Mai, Tri M.
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For: REMOVABLY ATTACHABLE)	
MOTORCYCLE LUGGAGE)	

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R.
§ 1.97(e)**

1. This statement is being made for the Information Disclosure Statement accompanying this statement.

2. I, the person(s) signing below state:

that each item of information contained in the information disclosure statement was first cited in any communication (copy attached) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.